

**EXHIBIT “1”**

**Zachary Ceballes Deposition Excerpts**

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UNITED STATES DISTRICT COURT  
CLARK COUNTY, NEVADA

SANDRA M. MEZA-PEREZ, an )  
individual, )  
 )  
Plaintiff, )  
 )  
vs. ) CASE NO.  
 ) 2:19-cv-00373-APG-NJK  
 )  
SBARRO LLC dba SBARRO PIZZA, )  
a foreign limited liability )  
company, SBARRO, INC. Db a )  
SBARRA PIZZA, a foreign )  
corporation, ZACHARY )  
CEBALLES, an individual, )  
EFRAIN HERNANDEZ, an )  
individual, JESUS ALATORRE, )  
an individual, )  
 )  
Defendants. )

VIDEO DEPOSITION OF ZACHARY CEBALLES

Taken at the Law Offices of  
Wolf, Rifkin, Shapiro, Schulman & Rabkin  
3556 East Russell Road  
2nd Floor  
Las Vegas, Nevada 89120

Wednesday, February 26, 2020  
9:27 a.m.

Reported by: Angela Campagna, CCR #495

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1 APPEARANCES:

2 For the Plaintiff: HARDEEP SULL, ESQ.  
Sull & Associates  
3 520 South 7th Street  
Suite A  
4 Las Vegas, Nevada 89101  
Dee@sullglobal.com  
5

6 For the Defendants: JOHN M. SAMBERG, ESQ.  
JORDAN BUTLER, ESQ.  
7 Wolf, Rifkin, Shapiro,  
Schulman & Rabkin  
8 3556 East Russell Road  
2nd Floor  
9 Las Vegas, Nevada 89120  
asamberg@fgppr.com  
10

11 PATRICK N. CHAPIN, ESQ.  
Patrick N. Chapin, LTD.  
12 129 Cassia Way  
Henderson, Nevada 89014  
13

14 PATRICK H. HICKS, ESQ.  
Littler Mendelson  
3960 Howard Hughes Parkway  
15 Suite 300  
Las Vegas, Nevada 89169  
16 Phicks@littler.com  
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1 -- the way it was when you started was the way it  
2 was when you no longer worked there?

3 A. Yes.

4 Q. All right. Now, in terms of hiring and  
5 firing at the Sbarro location at Monte Carlo, did  
6 you have authority to both hire and fire as your --  
7 part of your management duties at the Sbarro  
8 location at Monte Carlo?

9 A. Yes.

10 Q. Okay. Did you ever have an occasion  
11 over those ten years to fire somebody?

12 A. Yes.

13 Q. For what types of things did people get  
14 fired by you?

15 A. Attendance and tardiness, or poor job  
16 performance.

17 Q. Okay. And can you give me an estimate  
18 of how many people you had to let go because of  
19 those things over the ten-year period?

20 A. 15 to 20.

21 Q. Okay. And it sounds like you also had  
22 some circumstances like that at El Pollo Loco; is  
23 that correct?

24 A. Yes.

25 Q. So in the fast food industry, based on

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1 read it back.

2 (Record read by reporter.)

3 BY MR. SAMBERG.

4 Q. And the answer was no?

5 A. Uh-huh.

6 Q. Okay. Now, Mr. Ceballes, I'm about to  
7 ask you a series of questions that are very personal  
8 in nature, and I want to restate what I said before.  
9 I'm not asking these questions to make you feel bad  
10 or to embarrass you, but I'm obligated to ask these  
11 questions. So I also want you to pause before you  
12 answer each question so that your attorney will be  
13 able to interpose, if he chooses to do so -- and  
14 other lawyers present -- comments, objections, et  
15 cetera. And if at any time you want to take a  
16 break, let me know. Okay?

17 A. Yes.

18 Q. All right. Are you familiar with my

19 client, Sandra Meza-Perez?

20 A. Yes.

21 Q. How are you familiar with her?

22 A. She was employed at the Monte Carlo

23 Sbarros.

24 Q. And you hired her?

25 A. Yes.

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1 Q. At the time you hired her, do you  
2 remember if you also hired some of her family?

3 A. Yes.

4 Q. Can you remember as you -- and we're  
5 doing this without paperwork, I know that. Can you  
6 remember any of the names of the people -- bless you  
7 -- that you hired at the same time that you  
8 understood to be family of Sandra?

9 A. Fabiola, Carla, that's all that I  
10 remember the names.

11 Q. Okay. And there may be others, but  
12 those are the ones you remember?

13 A. Yes.

14 Q. Okay. Very good. Now, this case  
15 involves sort of a core question of whether you and  
16 Sandra ever had sexual relations, so I need to ask  
17 you this. Have you ever had sexual relations with  
18 Sandra Meza-Perez?

19 A. Yes.

20 Q. Did you come to know her based upon her  
21 working at Sbarro?

22 A. Yes.

23 Q. You didn't know her socially before  
24 that time?

25 A. No.

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1 Q. My understanding from being involved in  
2 the case is that Sandra worked at the Monte Carlo  
3 location from roughly, I think, April or May of 2016  
4 until the end of 2016 when she was transferred to  
5 Bally's. That's my understanding of that time  
6 period. Is that consistent with your recollection?

7 A. Yes.

8 Q. Now, during that time period, is that  
9 when you had sexual relations with Sandra, during  
10 the months that I've just described?

11 A. Yes.

12 Q. The sexual encounters you had with her,  
13 did it involve actual sexual intercourse?

14 A. Yes.

15 Q. Can you give me some estimate, let's  
16 say on a monthly basis, of how often you and Sandra  
17 would have sexual relations during that time period?

18 A. Four.

19 Q. Four?

20 A. Four times a month.

21 Q. About four times a month, okay. In  
22 addition to having actually sexual intercourse, did  
23 you and Sandra ever have any other types of sexual  
24 activity? For example, oral sex, did that ever  
25 happen?

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1 A. Yes.

2 Q. Can you give -- can you give me some  
3 estimate of how often that would occur on a monthly  
4 basis?

5 A. Once.

6 Q. About once a month?

7 A. Yes.

8 Q. Okay. Now -- and again, these are  
9 sensitive questions, and I want to just keep  
10 reassuring you I'm not getting any great pleasure  
11 asking you. I know it's no great pleasure for you  
12 to answer, but I'll just keep going. In terms of  
13 the locations where you and Sandra would have these  
14 sexual encounters, to your recollection was it  
15 always at the Sbarro Monte Carlo location?

16 A. Yes.

17 Q. Never off site?

18 A. No.

19 Q. Okay. In terms of the various places  
20 in the Monte Carlo location, where are the places  
21 where you and Sandra would have these encounters?  
22 Within the store itself, where would these occur?

23 A. In the office area or the walk-in.

24 Q. Now, I'll show you some photos in a  
25 bit, but my understanding is that the office area



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1 Q. Do you remember approximately when you  
2 moved from Monte Carlo to Bally's?

3 A. 2016.

4 Q. 2016?

5 A. About the middle.

6 Q. Was it after Sandra had been moved over  
7 to Bally's or before?

8 A. After.

9 Q. Okay. So my understanding was that  
10 Sandra was sent to Bally's at the end of 2016. So  
11 as of the end of 2016, you were still the manager at  
12 the Monte Carlo; correct?

13 A. Yes.

14 Q. Okay. And my understanding -- again,  
15 from being involved in the case -- is that Sandra's  
16 employment with Sbarro ended, I think, right around  
17 April or May of 2017. And I know she wasn't working  
18 at your store at that time, but were you still  
19 working at Monte Carlo a few months after Sandra  
20 left the Monte Carlo location?

21 A. Yes. I was still there at the Monte  
22 Carlo.

23 Q. Okay. And when you went to Bally's, is  
24 it true that Sandra was no longer working at  
25 Bally's?

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1 Q. In terms of the actual sexual  
2 intercourse, not oral sex but sexual intercourse,  
3 did that ever happen with Sandra any place other  
4 than in the walk-in?

5 A. No.

6 Q. Okay. Always in the walk-in?

7 A. Yes.

8 Q. All right. During those encounters,  
9 did you wear a condom?

10 A. Yes.

11 Q. In terms of having oral sex with  
12 Sandra, there's been testimony that that occurred in  
13 the office area. Is that consistent with your  
14 recollection as well?

15 A. Yes.

16 Q. Okay. And did you ever have oral sex  
17 with Sandra any place other than in the office area  
18 at the Monte Carlo?

19 A. In the walk-in.

20 Q. In the walk-in. So what I'm  
21 understanding from your testimony is that when you  
22 and Sandra would have sexual relations, either  
23 intercourse or oral sex, it was either in the  
24 walk-in or in the office area but no place else?

25 A. Yes.

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1 she provides oral sex to you. Not where you provide  
2 oral sex to her. Is that what you understand my  
3 questions to have been?

4 A. Yes.

5 Q. Okay. Did you ever provide oral sex to  
6 Sandra in any of your sexual encounters with her?

7 A. No.

8 Q. Okay. In terms of the sexual  
9 intercourse that you would have with Sandra, was it  
10 where you would stand behind her or you would -- or  
11 you would be in front of her? Do you remember the  
12 various ways that you guys would manage to get that  
13 done?

14 A. Both.

15 Q. Okay. And was there adequate room in  
16 the cooler for the two of you to situate yourselves  
17 so that you could have sexual intercourse?

18 A. Yes.

19 Q. Did it ever involve anybody laying down  
20 on the floor?

21 A. No.

22 Q. It was always standing up?

23 A. Yes.

24 Q. Okay. And on these occasions, you've  
25 already told us that you would wear a condom. Did

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1 THE WITNESS: Vodka bottle?

2 BY MR. SAMBERG:

3 Q. Yeah. Did you ever text that photo to  
4 anyone and ask them to buy vodka and bring it to the  
5 store?

6 A. Nancy Terrone.

7 Q. Okay. Nancy is who?

8 A. She was assistant manager at the time.

9 Q. Okay. Why did you ask Nancy to buy  
10 vodka?

11 A. So I could make jello shots.

12 Q. Okay. Now, there's been testimony in  
13 the case that jello shots were being sold out of the  
14 Monte Carlo location three for \$10. Is that  
15 consistent with your recollection?

16 A. Yes.

17 Q. Okay. When, to your recollection, were  
18 jello shots first offered for sale at the Sbarro  
19 location at the Monte Carlo?

20 A. I'm not sure the exact date.

21 Q. When you first arrived to work at the  
22 Monte Carlo location, it was an existing store;  
23 correct?

24 A. Yes.

25 Q. At that time were jello shots being

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1 offered for sale at the Monte Carlo location?

2 A. No.

3 Q. During your tenure as the manager of  
4 the Monte Carlo location, is it correct that that's  
5 during your tenure as manager that jello shots first  
6 started getting sold at the Sbarro location at Monte  
7 Carlo?

8 A. Yes.

9 Q. Whose idea was it to start selling  
10 jello shots out of that location?

11 A. Mine.

12 Q. Okay. Did you get any -- did you get  
13 permission from Sbarro to start selling jello shots?

14 A. No.

15 Q. How did you come up with the idea to  
16 sell jello shots out of the store?

17 A. Because we already sold beer, wine, and  
18 I had come up with other ideas that had worked.  
19 So -- to build sales, so I took it upon myself.

20 Q. You have to speak up.

21 A. I took that upon myself, the jello  
22 shots.

23 Q. Did you -- did you check whether the  
24 liquor license that Sbarro had included the selling  
25 of jello shots?

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1 had, like, a cooler standup and we had the beer and  
2 wine, and then we put the jello shots right by the  
3 wine where they could see them.

4 Q. Okay. Did you ever put up a sign that  
5 said jello shots?

6 A. No sign. But the employees would offer  
7 them if they bought beer or wine.

8 Q. They would say, "Would you also want a  
9 jello shot"?

10 A. Yes.

11 Q. How did the employees know to do that?

12 A. Because I told them to.

13 Q. All right. And at the time you were  
14 transferred to Bally's, was Sbarros Monte Carlo  
15 location still selling jello shots?

16 A. No.

17 Q. Why did the Sbarros location at Monte  
18 Carlo stop selling jello shots?

19 A. Because the district manager, Larry,  
20 came by one day and seen it and he told me it wasn't  
21 allowed. So I got rid of them.

22 Q. Okay. Did you get in any kind of  
23 trouble for that?

24 A. No.

25 Q. And do you remember Larry's last name?

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1 A. Minister.

2 Q. Okay. If you know, is Larry still  
3 working for Sbarros?

4 A. Yes.

5 Q. When's the last time you talked to him?

6 A. It's been a couple of years.

7 Q. Okay. All right. Let me -- I was  
8 going to ask you a couple of questions about getting  
9 ready to come here today. And pause before you  
10 answer, okay? This is a yes or no question. And  
11 pause before you answer. Did you meet with your  
12 attorney, Mr. Chapin, in order to get ready for the  
13 depo today?

14 A. Yes.

15 Q. Did you look at any paperwork,  
16 documents, photos, anything of a tangible nature as  
17 part of your deposition preparation?

18 A. No.

19 Q. So it was strictly just talking to your  
20 lawyer?

21 A. Yes.

22 Q. All right. That's completely private,  
23 don't tell me anything about what was said. But you  
24 didn't look at anything to get ready; correct?

25 A. No.

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1 Q. What's kept in the cooler at the Monte

2 Carlo location? What's in there?

3 A. Food.

4 Q. What kind of food?

5 A. Cheese, produce, tomato sauce.

6 Q. The things that would go into the

7 making of pizza?

8 A. Yes.

9 Q. Okay. In terms of the training that

10 you got at Sbarro, did that training include

11 sanitation?

12 A. Yes.

13 Q. Keeping the food wholesome in terms of

14 making pizza?

15 A. Yes.

16 Q. When you were having sex with Sandra in

17 the cooler, did you have as the manager of the store

18 any concerns about the food safety issues associated

19 with having sex in the cooler?

20 A. No.

21 Q. You were wearing a condom at this --

22 during these encounters?

23 A. Yes.

24 Q. What would you do with the wrapper of

25 the condom?



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1 A. Not that I remember.

2 Q. During the shifts that Sandra was  
3 working at the time that the two of you would have  
4 these sexual encounters, were these daytime or  
5 evening shifts, typically?

6 A. Mostly a.m.

7 Q. And during the a.m. shift, how many  
8 people would be working at the Monte Carlo location  
9 in a typical a.m. shift?

10 A. At that time, about four.

11 Q. And who would that be other than  
12 yourself?

13 A. It would differ.

14 MR. CHAPIN: Could you establish a time of  
15 what a.m. shift means?

16 BY MR. SAMBERG:

17 Q. Yeah. That's a good question. I'll  
18 come back to that. Let's do it by job title. In a  
19 typical a.m. shift, by job title, who would have to  
20 staff the store?

21 A. A manager, a pizza cook, prep, and then  
22 the cashier would come in for lunch.

23 Q. So at least four people?

24 A. Yes, up until lunch. And then a mid  
25 shift.

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1 Q. And your attorney makes an excellent  
2 point, what hours typically constitute an a.m.  
3 shift?

4 A. 7:00 to 3:00. 7:00 a.m. to 3:00 p.m.

5 Q. So in the early part of the shift at  
6 least four people, and then at lunchtime you'd pick  
7 somebody else up?

8 A. The early part, three. And then lunch,  
9 five to six.

10 Q. Okay. And during the months that  
11 Sandra worked there that the two of you were having  
12 these sexual encounters, it's your recollection that  
13 nobody walked in on you in the cooler while you were  
14 having sex?

15 A. Yes.

16 Q. That's correct?

17 A. Yes.

18 Q. How long typically would these sexual  
19 encounters last in the cooler?

20 A. 15 to 20 minutes.

21 Q. And in your experience as a manager at  
22 that store, was that unusual for 15 or 20 minutes to  
23 go by where nobody would walk into the cooler?

24 MR. CHAPIN: Is this during the morning shift?

25 / / / /

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1 A. Yes.

2 Q. Where would you keep those files?

3 A. In the file -- one of the file  
4 cabinets.

5 Q. And if somebody that worked at Monte  
6 Carlo went to work at another Sbarros location, what  
7 would happen to their personnel file?

8 A. After a certain point, corporate would  
9 request the files. Because we would scan them, the  
10 original documents, and then they would have  
11 everything sent to them every couple months. So we  
12 wouldn't have to retain files.

13 Q. Okay. So if -- for example, when  
14 Sandra was transferred over to Bally's, do you know  
15 if her personnel file went there with her from Monte  
16 Carlo?

17 A. Not sure. I think the files go  
18 directly to corporate after a couple months.

19 Q. Why was Sandra transferred over to  
20 Bally's?

21 A. I had talked to Sheldon because of the  
22 couple issues she was having with management and  
23 employees, like the arguing and problems. So I just  
24 spoke with him and told him I had a cook that worked  
25 certain times that needed a fresh start. And I

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1 didn't discuss anything else with him, like say any  
2 problems or anything like that.

3 Q. Now, you've been working as a manager  
4 at fast food facilities really since your time in  
5 SoCal at El Pollo Loco; right?

6 A. Yes.

7 Q. Okay. Sandra's behavior when she was  
8 working at Monte Carlo, would that have been grounds  
9 to terminate her from what you observed as her  
10 manager?

11 A. No.

12 Q. Okay. Why not?

13 A. She didn't miss a lot of work. She  
14 would call in when she would miss. And other than  
15 that, it was just little arguments about helping in  
16 the kitchen or things like that.

17 Q. Did you ever observe somebody, a male  
18 person, come to the store at Monte Carlo and have a  
19 physical confrontation with Jesus Alatorre? Did you  
20 ever observe that where security had to get called?

21 A. No.

22 Q. Did you ever hear about it?

23 A. Yes.

24 Q. What did you hear?

25 A. That somebody had came to the store

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1 MR. HICKS: I'm going to -- before we go on,  
2 I'm going to just object because that misstates the  
3 testimony. I'm sure unintentionally. The  
4 interpreter was male, I believe.

5 MR. SAMBERG: Yeah.

6 MR. HICKS: So it would have been --

7 MR. SAMBERG: Two females and two males.

8 MR. HICKS: I'm sorry. You're right. You're  
9 absolutely right. My apologies.

10 MR. SAMBERG: No, no. You don't have to  
11 apologize. It's okay. There's a lot of moving  
12 parts here.

13 BY MR. SAMBERG:

14 Q. Okay. Let's refocus. My understanding  
15 is that there was a group of people that came to  
16 talk to you, and that you were asked questions about  
17 Sandra. Do you remember that the topic of Sandra  
18 was discussed with you?

19 A. Yes.

20 Q. Do you remember if people -- if anybody  
21 asked you whether or not that you had a sexual  
22 relationship with Sandra? Do you remember having  
23 that question put to you?

24 A. Yes.

25 Q. And at that time what did you say?

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1 A. I did not have any relationship.

2 Q. You denied it at that time?

3 A. Yes.

4 Q. Okay. Why?

5 A. Because I'm married with children, and  
6 I didn't want that to damage my marriage.

7 Q. Okay. Did anybody ask you to raise  
8 your right hand and to swear to tell the truth  
9 during those interviews?

10 A. No.

11 Q. Not like today?

12 A. No.

13 Q. Okay. And were you offered to have a  
14 lawyer present, did somebody say, "If you want a  
15 lawyer, we'll get you a lawyer"? Did anybody offer  
16 that to you, to your recollection?

17 A. Not that I remember.

18 Q. Did this come as a surprise to you,  
19 that they asked you to be interviewed and they were  
20 asking you these questions?

21 A. Yes.

22 Q. Did you get any warning at all about  
23 it?

24 A. No.

25 Q. How did you find out that they wanted

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1 BY MR. SAMBERG:

2 Q. An African American gentlemen, do you  
3 remember somebody like that coming to talk to you?

4 MR. CHAPIN: Objection as to NERC. Can you  
5 describe what NERC is?

6 BY MR. SAMBERG:

7 Q. Right.

8 A. I just remember the second interview,  
9 but not sure the organization.

10 Q. Okay. During the second interview, did  
11 you have to raise your right hand and swear to tell  
12 the truth? Do you remember that?

13 A. No. I don't remember that.

14 Q. Did anybody offer to have -- for you to  
15 have a lawyer present?

16 A. No.

17 Q. During the second interview, did the  
18 subject of Sandra come up?

19 A. Yes.

20 Q. Do you remember if you were asked  
21 whether or not you and Sandra were involved in a  
22 sexual relationship during the second interview?

23 A. Yes.

24 Q. What did you say at that time?

25 A. The same as previously. No.

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1 question is did Mr. Ceballes have consensual  
2 relations with any other employee of Sbarro?

3 MR. SAMBERG: No. I'm not going to use the  
4 word "consent" or any form of the word "consent" at  
5 all. That's not what I'm going to ask. What I'm  
6 going to ask is yes or no -- let me just ask the  
7 question.

8 BY MR. SAMBERG:

9 Q. And pause before you answer, because  
10 obviously this is a sensitive issue. So pause,  
11 don't answer, and then there may be more lawyer  
12 talk. Don't mention names. Is that clear to you,  
13 Mr. Ceballes? No names, okay?

14 A. Yes.

15 Q. All right. Now, while you were a  
16 manager at Sbarro location at Monte Carlo, other  
17 than Sandra did you ever have sexual relations,  
18 either sexual intercourse, oral sex, anything sexual  
19 in nature, in addition to Sandra, with other Sbarro  
20 employees who were working at that same location  
21 while you were the manager there? It's a yes or no  
22 question.

23 MR. CHAPIN: I'm going to make the same  
24 objection. For the record, based on foundation,  
25 form of the question.



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1 And with that, you can answer.

2 With those objections.

3 BY MR. SAMBERG:

4 Q. Yeah. Yes or no, no names?

5 A. Yes.

6 Q. Now, same thing, no names. Yes or no  
7 only. To your knowledge, have any of the person or  
8 persons -- I'm not going to get into how many, but  
9 any of the person or persons that you've had sexual  
10 relations with other than Sandra, to your knowledge  
11 was a child ever born from those sexual relations?

12 MR. CHAPIN: Objection. Form of the question.  
13 Lacks foundation. Invades the privacy of my client  
14 and potential other third parties or party.

15 You can answer.

16 BY MR. SAMBERG:

17 Q. Yes or no only.

18 A. No.

19 Q. Okay. Now, by the way, once again I  
20 want to thank you for the way we resolved that.  
21 Thank you. So we're all reserving our rights. We  
22 may or may not come back on this, but I'm going to  
23 move on at this point, okay?

24 Now, pause, continue to pause,  
25 because these are all questions that are sensitive

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1 Q. After Sandra was no longer working for  
2 Sbarro at Monte Carlo, you've already testified that  
3 you did not reach out to her to try to continue your  
4 sexual relations. You've already testified to that.  
5 To your recollection, has she reached out to you to  
6 try to keep it going? Has she been in touch with  
7 you at all to try to keep this thing going?

8 A. No.

9 Q. After you were no longer working at  
10 Monte Carlo, you went to Bally's. You've already  
11 testified to that. Why was it that you went to  
12 Bally's? Do you have any knowledge as to why you  
13 were transferred there?

14 A. Because Larry said I needed, like, a  
15 break. Because the casino is going through so many  
16 changes, the sales went down so bad. And the  
17 remodeling, the occupancy was down and everything  
18 like that. So the numbers were really bad.

19 Q. So Larry sent you to Bally's to get the  
20 numbers back up?

21 A. Yes.

22 Q. Okay. Did you -- you didn't do the  
23 jello shots at Bally's; right?

24 A. No.

25 Q. You stopped, you were told not to do

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1 Form of the question.

2 MR. HICKS: Can you read that question back,  
3 please.

4 (Record read by reporter.)

5 BY MR. SAMBERG:

6 Q. I'm going to strike the question and  
7 ask another question. So I was mixing apples and  
8 cucumbers. Here's a new question.

9 During the time that you were at  
10 Monte Carlo and Sandra was at Monte Carlo, while the  
11 two of you were having your sexual relations, did  
12 her shift ever change, her work shift?

13 A. No.

14 Q. What about her hours that she would  
15 come in and work, was that always the same?

16 A. Yes.

17 Q. Who would have had the ability to  
18 change her shift and her work hours during that time  
19 period, other than you?

20 A. The other managers.

21 Q. Who is the other manager?

22 A. Ruben Garcia or Oswaldo Luna.

23 Q. And they would be the managers during  
24 the other shifts?

25 A. Yes.

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1 Q. Did Sandra ever have shifts where they  
2 were the managers?

3 A. Yes.

4 Q. Okay. Mostly, though, you were her  
5 manager most of the time?

6 A. Yes.

7 Q. Do you know without guessing if Sandra  
8 was having any kind of sexual relations with any --  
9 don't mention names, yes or no question -- with  
10 anybody else employed by Sbarro at the Monte Carlo  
11 store while she worked at the Monte Carlo store?

12 A. No.

13 Q. You don't know or --

14 A. I don't know.

15 Q. You never heard about that?

16 A. No.

17 Q. Okay. Mr. Ceballes, what was your  
18 title at Monte Carlo up until the time you went to  
19 Bally's?

20 A. General manager.

21 Q. When you went to Bally's, what was your  
22 job title?

23 A. General manager.

24 Q. So it was the same -- I don't want to  
25 use a military term, but it was basically the same

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1 Sbarros at Monte Carlo, do you recall financial  
2 audits ever occurring of the books and records of  
3 your location at Monte Carlo?

4 A. No audits. Just the review of the  
5 profit and loss.

6 Q. Was that periodically done as part of  
7 the ordinary course?

8 A. With Larry.

9 Q. With Larry. How often would that  
10 happen?

11 A. Every quarter, every three months.

12 Q. So you guys would look at the numbers,  
13 see how the store was doing?

14 A. Yes.

15 Q. Up until the food court at Monte Carlo  
16 not being there anymore, how was the store doing,  
17 the Monte Carlo store?

18 A. I had a five or six-year consecutive  
19 sales increase year after year, and I had -- I got a  
20 lot of awards for, like, top performing in the  
21 country.

22 Q. Really?

23 A. For sales growth and profit and  
24 everything.

25 Q. Do you have any idea about how the

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1 MR. CHAPIN: Objection. Calls for  
2 speculation.

3 BY MR. SAMBERG:

4 Q. Okay. So in terms of while Sandra  
5 worked at Monte Carlo while you were there as the  
6 manager, while the two of you were having sexual  
7 relations, did you ever text with her?

8 A. No.

9 Q. Did you ever e-mail with her?

10 A. No.

11 Q. Did you ever communicate with her over  
12 social media?

13 A. No.

14 Q. Since the end of 2016 when Sandra went  
15 to Bally's, to your recollection have you written  
16 texts with Sandra?

17 A. No.

18 Q. E-mails?

19 A. No.

20 Q. Social media?

21 A. No.

22 Q. Do you have an e-mail? Currently --

23 A. Yes.

24 Q. -- do you have an e-mail?

25 A. Yes.

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1 A. Just first and last name.

2 Q. That's it?

3 A. Yes.

4 Q. There's no numbers?

5 A. No numbers, nothing else.

6 Q. Do you have any social media account  
7 where there's numbers?

8 A. No.

9 Q. Now, Sandra Perez, the plaintiff who is  
10 suing you in this case, testified that when she  
11 would have sex with you in the walk-in it would last  
12 anywhere from eight to ten minutes. You've  
13 testified --

14 MR. HICKS: I believe it was five, five to  
15 eight minutes is what she testified to.

16 BY MR. CHAPIN:

17 Q. Five to eight minutes, all right, less  
18 than ten minutes. You testified it was 15 to 20  
19 minutes. Do you think her estimation is more  
20 correct than yours or is yours more correct than  
21 hers?

22 MR. SAMBERG: Calls for speculation.

23 BY MR. CHAPIN:

24 Q. Your estimate, you estimated that your  
25 sexual encounters were 15 to 20 minutes. Ms. Perez

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1 testified it would be five to eight or ten minutes.

2 MR. SAMBERG: Same objection.

3 THE WITNESS: I'll say hers more correct.

4 BY MR. CHAPIN:

5 Q. Now, there was some testimony you gave  
6 and we made numerous objections to protect the  
7 record and preserve our rights, which are legal  
8 arguments, objections made by me and Mr. Samberg.  
9 He made what is called an offer of proof regarding a  
10 third anonymous person that we're saying -- no name  
11 mentioned, an employee that you had sex with at  
12 Sbarro. The sexual relationship you had with that  
13 employee, was that consensual?

14 A. Yes.

15 MR. SAMBERG: Objection. Calls for legal  
16 opinion.

17 BY MR. CHAPIN:

18 Q. Did that employee ever refuse having  
19 sex with you or was it voluntary and they agreed to  
20 it?

21 A. Never refused.

22 MR. SAMBERG: I didn't hear.

23 THE WITNESS: Never refused.

24 BY MR. CHAPIN:

25 Q. It was voluntary?



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1 questioning regarding when -- the area where  
2 employees would -- respective employees would fill  
3 out documentation. You testified that you never  
4 helped them fill out onboarding or intake  
5 application documents. You never helped anyone do  
6 that?

7 A. No.

8 Q. Did you ever fill anyone's social  
9 security number on any documentation for them?

10 A. No.

11 Q. Did you ever provide false or  
12 inaccurate or fake social security information or  
13 identification for employees to fill out on an  
14 application?

15 A. No.

16 Q. Nothing further. Pass the witness.

17 MR. HICKS: I don't have any questions.

18 FURTHER EXAMINATION

19 BY MR. SAMBERG:

20 Q. Okay. I have just a couple of  
21 follow-up ones. Mr. Chapin asked you about the  
22 shift periods when you would have sexual encounters  
23 with Sandra. Do you remember he just asked you  
24 about that and you recalled that it was mostly  
25 during the a.m. shift? This is just a couple

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1 minutes ago, do you remember that?

2 A. Yes.

3 Q. When it wasn't during the a.m. shift,

4 to your recollection when were the other encounters,

5 during what shift?

6 A. Afternoon shift.

7 Q. Was it still starting at 7:00 a.m. but

8 going to 3:00 p.m.?

9 A. No.

10 Q. When is the afternoon shift?

11 A. She worked a couple of days or a day, I

12 think like 3:00 to 11:00 or something like that.

13 Q. What's that shift called?

14 A. P.m.

15 Q. P.m. Was this a 24-hour location?

16 A. Yes.

17 Q. So there's a.m., p.m., and what was the

18 overnight one called?

19 A. Graveyard.

20 Q. So there's a.m., p.m., and graveyard?

21 A. (Witness shakes head.)

22 Q. And each one was eight hours?

23 A. Yes.

24 Q. Was there overlap to the beginning and

25 the end of each shift or was it a bright line, one